

PATENT
Docket No.: 19603/4292 (CRF D-3099-03)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| Applicants | : | Darwin et al. |) | Examiner: |
| | | |) | Lindsay Odell |
| Serial No. | : | 10/730,555 |) | |
| | | |) | Art Unit: |
| Cnfrm. No. | : | 3247 |) | 1652 |
| | | |) | |
| Filed | : | December 8, 2003 |) | |
| | | |) | |
| For | : | MYCOBACTERIUM TUBERCULOSIS |) | |
| | | (MTB) TARGETS FOR ANTIBIOTIC |) | |
| | | THERAPY |) | |

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the April 7, 2005, written restriction requirement, applicants hereby elect Group II (i.e., claims 1-6, 12-20, 63-68, and 74-87) with traverse. Applicants submit that it is inappropriate to impose a restriction requirement here, because the various groups of invention identified in the restriction requirement are related to one another and would necessarily require common areas of search and consideration. Accordingly, the restriction requirement should be withdrawn.

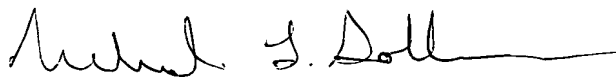
Further, in response to the election of species requirement, applicants elect PrcB, with traverse. Claims reading on the elected species include claims 1-4, 6, 12-20, 63-67, and 74-87. Applicants submit that it is inappropriate to impose an election of species requirement here, because the species relate to a single inventive concept.

With regard to the matter of the dependency of claim 65 raised by the U.S. Patent and Trademark Office, applicants submit that claim 65 correctly depends from claim 64. In particular, claim 63 is drawn to "[a] method of treating pathogen infection in a subject,

said method comprising: inhibiting proteasomal activity in a pathogen under conditions effective to make the pathogen susceptible to antibacterial host defenses and inhibiting enzyme activity in the pathogen under conditions effective to make the pathogen susceptible to antibacterial host defenses, thereby treating the pathogen infection in a host.” In claim 64, the proteosomal activity that is inhibited according to claim 63 is “an AAA ATPase activity” or “a protease activity.” In claim 65, the proteasomal activity that is inhibited is the “protease activity” recited in claim 64, and that protease activity is further limited in claim 65 to a protease activity where a proteasomal core is being inhibited. This is supported by the specification at pg. 16, lines 30-32. Accordingly, applicants submit that claim 65 is properly dependent on claim 64.

Respectfully submitted,

Date: June 3, 2005



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| I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: <u>Amendment</u> Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450, on the date below. | |
| <u>060305</u> Date | <u>Angelica Grouse</u> Angelica N. Grouse |